

Transcript Format

3-01 GENERAL INFORMATION

A. Scope of Transcript

1. Verbatim Record

McLouth Steel v Anderson Corp., 48 Mich App 424, (1973), 429 footnote 1 states:

"We emphasize that court reporters and stenographers are bound to make a verbatim record of the proceedings. GCR 1963, 915.2. A judge should not in any way interfere with or cause alteration of the true record as reported by the court reporter. In addition, a court reporter should not, even on the order of a judge, strike from the record that which actually took place. Any deviation in a transcript or certified record stultifies appellate review."

2. Stricken Testimony

Stricken testimony is transcribed as any other testimony. Even though the judge might say, "Reporter, please strike that last answer, and the jury is to disregard what the witness said," the reporter transcribes the entire proceeding exactly as it took place.

3. Expunged Testimony

Expunged testimony is transcribed as any other testimony. Even though the judge might say, "Reporter, please expunge that last answer, and the jury is to disregard what the witness said," the reporter transcribes the entire proceeding exactly as it took place.

4. Suppressed Transcripts

"There appears to be no statute, court rule, or case law that sets forth the procedure to be followed with respect to the preparation and filing of a transcript of a closed hearing. As a practical matter, the best procedure for the judge is to identify on the record at the beginning and end of the record, the portion of the transcript that is to be suppressed. The suppressed transcripts should not be filed with the other transcripts. Rather, it should be sent directly to the appellate court with a letter of explanation. A copy of the letter should be maintained in the court reporter's or recorder's records. (see also Section 8-04, page 8-04-01)" [quote from Michigan Court Administration Reference Guide, Section 4-24, page 4-24-04]

B. Form of Transcript

Court reporters and recorders must follow the format prescribed by the State Court Administrative Office as published in this manual. [MCL 600.2510(2)]

1. Assembling the Transcript

The transcript must be filed in one or more volumes under a hard-surfaced or other suitable cover, stating the title of the action, and prefaced by a table of contents showing the subject matter of the transcript with page references to the significant parts of the trial or proceedings, including the testimony of each witness by name, the arguments of the attorneys, and the jury instructions. The pages of the transcript must be consecutively numbered on the bottom of each page. Transcripts with more than one page, reduced in size, printed on a single page are permitted and encouraged, but a page in that format may not contain more than four reduced pages of transcript. [MCR 7.210(B)(3)(d)]

2. Page Definition

A transcript page is defined in MCL 600.2510(1). When used as a measure for computing fees or compensation, "page" is defined as follows: a page shall consist of 25 lines written on paper 8 1/2 by 11 inches in size, prepared for binding on the left side, with 1 3/8 inch margin on the left side and 3/8 inch margin on the right side. Typing shall be 10 letters to the inch.

3. Prescribed Page Format

Under MCL 600.2510(2) a page prepared in accordance with the format prescribed by the state court administrative office shall be counted, billed, and paid for as a full page. (See Section 3-02, pages 3-02-01 through 3-06-06 for examples.)

4. Title Page

[MCR 2.113(A)(B)(C), 7.210(B)(3)(d)]

- a. A title page is the first page of every transcript and shall be so numbered at the bottom center of the page.
- b. Each day of proceedings begins a new volume of transcript. Each volume begins with a title page.
- c. A title page includes the following information:
 - 1) The name of the court;
 - 2) The names of the parties or the title of the action;

- a) The names of the parties are in "caps."
- b) In words like "Plaintiff," "Defendant," "In the matter of," only the first letter is capitalized.
- 3) The case number, including a prefix containing the last two digits of the year of filing and the case-type code; (MCR 8.117; Michigan Trial Court Case File Management Standards, Components 1 and 2, pages 3 and 4)
- 4) The nature of the proceedings transcribed;
- 5) The name and title of the person who presided over the proceedings;
- 6) The names, business addresses, telephone numbers, and state bar numbers of all attorneys, and the name, address, and telephone number of any party appearing in pro per;
- 7) The name, certification designation and number, and telephone number of the reporter, recorder, or operator who has taken and/or transcribed, or caused to be transcribed, the proceedings.

(See Section 3-02, pages 3-02-01 through 3-02-05 for examples.)

5. Table of Contents Page
[MCR 7.210 (B)(3)(d)]

- a. Each transcript on appeal must include a table of contents page. Each table of contents page must list the witnesses and the exhibits. Even if there are no witnesses or exhibits, a table of contents page must be included.
- b. Each day of proceedings begins a new volume of transcript. Each volume must include its own table of contents.
- c. Showing the page number where the exhibit was first identified is helpful to the reviewer in indicating the first place in the transcript where the exhibit might have been mentioned.
- d. When a deposition transcript is read into the record in lieu of the personal appearance of a witness, it should be included in the table of contents, including the name of the witness and the page number at which the reading began.

(See Section 3-03, pages 3-03-01 through 3-03-07 for examples.)

6. Transcript Page

[MCL 600.2510]

- a. A transcript page contains twenty-five (25) typed lines on standard eight and one-half by eleven inch (8 1/2" x 11") paper with numbered lines.
- b. Typing shall be 10 characters to the inch.
- c. The left-hand margin of all transcripts is set at one and three-eighths inch (1 3/8"). The right-hand margin is set at three-eighths inch (3/8").
 - 1) Left-hand margin
 - a) Q and A begins at the left-hand margin. There are five (5) spaces from the margin to the text; that is, the text begins on the sixth space. A carry-over line begins five (5) spaces from the left-hand margin; that is, it begins on the sixth space.
 - b) Colloquy begins fifteen (15) spaces from the left-hand margin; that is, it begins on the sixteenth space. A carry-over line begins five (5) spaces from the left-hand margin; that is, it begins on the sixth space.
 - c) Quoted material begins fifteen (15) spaces from the left-hand margin. A carry-over line begins ten (10) spaces from the left-hand margin. A new paragraph of quoted material begins fifteen (15) spaces from the left-hand margin.
 - d) Parenthetical material begins fifteen (15) spaces from the left-hand margin. A carry-over line begins fifteen (15) spaces from the left-hand margin.
 - e) New paragraphs begin fifteen (15) spaces from the left-hand margin.
 - 2) The right-hand margin is observed in every instance.
- d. The time that certain events take place is to be included in every transcript. Those events are:
 - 1) The time the proceedings begin and conclude.
 - 2) The time each witness is sworn and excused.
 - 3) The time of any adjournments/recesses.

- 4) The time each exhibit is marked and admitted.
- 5) The time a jury is sworn, charged, excused to deliberate, or returns to the courtroom for any reason.

(See Section 3-04, pages 3-04-01 through 3-04-12 for examples.)

7. Transcript Certificate Pages

All cases transcribed must end with a transcript certificate page. The purpose of the certificate is to signify the end of the transcript and to indicate that the transcript is a complete and accurate record of the court proceeding ordered transcribed. The certificate page does not need to be a separate page but may be included at the last transcript page if there is adequate room.

(See Section 3-05, pages 3-05-01 through 3-05-02 for examples.)

C. Style of Transcript

1. Standard Record

Transcribed material consists of two basic styles or forms:

a. Colloquy

Colloquy is conversation between anyone other than a witness and the examining attorney. The typical court hearing begins with colloquy between the judge and the attorneys. The witness is then sworn, and one attorney begins questioning the witness. In colloquy, the judge is always identified as THE COURT, an attorney is always identified by his or her name, and the witness is identified as THE WITNESS.

b. Question and Answer

Question and answer (Q and A) testimony is conversation between the witness and examining attorney. Whenever a witness is sworn, the questioning is set up as Q and A. It is optional to type a period (.) after each "Q" and "A". Any answer following the designation "A" must be preceded by a question, "Q". Q and A must be a sequence. Whenever Q and A is interrupted by any colloquy, tab to the "colloquy stop" (15 spaces from the margin), identify the speaker, follow the name with a colon, and begin typing the statement.

If the witness answers a question during colloquy, the response is colloquy. Q and A is always preceded by the name of the questioning attorney, i.e., BY MR. SMITH:

2. Separate (or Special) Record

Separate records are transcribed as any other testimony. A judge may say "Recorder, this is a separate record." A separate record is a part of the original day's proceeding, and must be bound with that day's proceedings. A separate record is prepared as follows:

- a. When you have determined the last spoken word of the regular record, place three dashes in the center of the page.
- b. Use no parenthetical remark.
- c. Start new page.
- d. Continue pagination through separate record.
- e. Place the words SEPARATE RECORD in all caps above line one, with one space between each letter, at the center top of each page of separate record.
- f. At top of first page of separate record, below the words SEPARATE RECORD, use the following parenthetical remark: "(At [time] Beginning of Separate Record)".
- g. Continue separate record for as long as necessary.
- h. At the end of the separate record, use the parenthetical remark "(At [time] End of Separate Record)."
- i. Put three dashes in the center of the page.
- j. Start a new page.
- k. Use no parenthetical remark to resume regular record.
- l. Continue pagination from the separate record when going back into the regular record.
- m. Table of Contents page must show separate record as follows: Separate Record - pages 26 through 35

D. Procedure for Questioning Witnesses

The following is the general procedure for the questioning of witnesses; however, the Michigan Rules of Evidence (611) directs the court to exercise reasonable control over the mode and order of interrogating witnesses.

1. Direct Examination

The first questioning of a witness by the party on whose behalf the witness is called.

2. Cross-Examination

The first questioning of a witness by the party opposed to the party who called the witness.

A witness may be called as an adverse witness under the statute for cross-examination (MCL 600.2161). That witness is then cross-examined by all parties.

3. Redirect Examination

Redirect examination follows cross-examination. Redirect examination is the subsequent questioning of a witness by the party on whose behalf the witness is called.

4. Recross-Examination

Recross-examination follows redirect examination and is the subsequent questioning of a witness by the party opposed to the party who called the witness. This procedure is followed with every witness until the prosecutor or plaintiff rests. The defendant may, at that time, call witnesses on his behalf. The above procedure is again followed with every witness until the defendant rests.

5. Rebuttal

If, during the presentation of the defendant's case, new matter is brought out by the defense attorney, the prosecution/plaintiff may introduce evidence intended to contradict or rebut this new matter.

E. Parenthetical Expressions

Parenthetical expressions are brief descriptions of events happening in the courtroom. They are preceded by the time of the occurrence, if applicable, and enclosed in parentheses. All parenthetical expressions begin 15 spaces from the left-hand margin. Any carry-over line is to begin 15 spaces from the left-hand margin.

Examples:

(At 9:15 a.m., prospective jury panel sworn)

(At 10:00 a.m., court recessed)

(At 10:30 a.m., court reconvened)

(At 10:45 a.m., PX#1 marked)

(At 11:00 a.m., bench conference on the record)

(At 11:05 a.m., bench conference concluded)

(At 11:45 a.m., conference in chambers)

(At 11:50 a.m., court reconvenes, all parties present)

(At 1:00 p.m., witness excused)

(At 3:00 p.m., proceedings concluded)

(Voir Dire of prospective jurors reported [recorded], not ordered transcribed; 12 jurors seated)

(Court's instructions to jury reported, but not ordered transcribed)

(At 4:15 p.m., bailiff sworn to take charge of the jury)

(At 4:30 p.m., jury returned)

3-02 TITLE PAGE

The following are examples of the format to follow in preparing title pages.

A. General

STATE OF MICHIGAN

(Court Number) JUDICIAL (Court Type) COURT [(Name of County, City, Township)]

or

IN THE PROBATE COURT FOR THE COUNTY OF (Name)

JOHN DOE,

Plaintiff,

v

File No. 84-01234-NI

MARY JONES,

Defendant.

_____ /

(Type of Hearing)

BEFORE THE HONORABLE (Judge's name and title)

(City), Michigan - (Day), (Date)

APPEARANCES:

For the Plaintiff: (Attorney's Name) (P #)
 (Address)
 (Phone Number)

For the Defendant: (Attorney's Name) (P #)
 (Address)
 (Phone Number)

(REPORTED)

(RECORDED)

(TRANSCRIBED) By: (Name, certification designation and number, and telephone number)

B. Excerpts of Proceedings

STATE OF MICHIGAN

THIRD JUDICIAL CIRCUIT COURT (WAYNE COUNTY)

JAMES JORDAN,

Plaintiff,

v

File No. 84-12345-DM

CAROL JORDAN,

Defendant.

_____ /

EXCERPTS OF TRIAL

(Testimony of Witness John Jones)

BEFORE THE HONORABLE JAMES R. JUSTICE, CIRCUIT JUDGE

Detroit, Michigan - Monday, September 1, 1985

APPEARANCES:

For the Plaintiff: MR. RICHARD E. SMITH (P50006)
Smith & Harrison, P.C.
2000 Orange Grove
Detroit, Michigan 48226
(313) 555-3333

For the Defendant: MR. RICHARD R. JONES (P50007)
Jones & Jones, P.C.
3333 Plum Tree
Detroit, Michigan 48226
(313) 555-3434

RECORDED BY: Mary Wilson, CER 0238
Certified Electronic Recorder
(313) 555-6868

C. Probate Court

STATE OF MICHIGAN
IN THE PROBATE COURT FOR THE COUNTY OF INGHAM

In the Matter of,

THE ESTATE OF JOHN JONES, Deceased.

File No. 84-2098-SE

PETITION FOR PARTITION OF PROPERTY

BEFORE THE HONORABLE JAMES R. JUSTICE, PROBATE JUDGE

Lansing, Michigan - Thursday, November 12, 1985

APPEARANCES:

Attorney for the Estate: MS. MARY WILSON (P50009)
Wilson & Thomas Law Offices
100 Lane Drive
Lansing, Michigan 48933
(517) 555-1440

Appearing in Pro Per: MR. JOHN J JAMES
200 Country Blvd.
Lansing, Michigan 48911
(517) 555-2121

Appearing in Pro Per: MRS. ELSIE Q. JAMES
5 City Building, Suite 14
Lansing, Michigan 48933
(517) 555-5222

REPORTED BY: Judith Kane, CSR 0128
Certified Shorthand Reporter
(517) 555-3405

D. Multiple Defendants/Consolidated Cases

In criminal cases, "Plaintiff" is not typed after People of the State...

STATE OF MICHIGAN

95-A JUDICIAL DISTRICT (MENOMINEE COUNTY)

THE PEOPLE OF THE STATE OF MICHIGAN,

v

GUS BAKER and JEAN NOLAN,

File No. 84-10678-FH

Defendants.

_____ /

THE PEOPLE OF THE STATE OF MICHIGAN,

v

GUS BAKER,

File No. 84-10682-FH

Defendant.

_____ /

JURY TRIAL

BEFORE THE HONORABLE JAMES R JUSTICE, DISTRICT JUDGE (or Assigned Judge)

Menominee, Michigan - Monday, September 1, 1985

APPEARANCES:

For the People: MR. JOHN B. JONES (P50001)
Assistant Prosecuting Attorney
4000 South Street
Menominee, Michigan 49999 (906) 555-1222

For Defendant Baker: MR. J. B. JACKSON (P50002)
1400 North Street
Menominee, Michigan 49999 (906) 555-2222

For Defendant Nolan: MR. RICHARD SMITH (P50003)
2800 East Street
Menominee, Michigan 49999 (906) 555-2333

REPORTED BY: Betty Thomas, CSR 0124
Certified Shorthand Reporter
(906) 555-2444

(page #)

E. Multiple Volumes

STATE OF MICHIGAN

SIXTH JUDICIAL CIRCUIT COURT (OAKLAND COUNTY)

SALLY ANN JONES,

Plaintiff,

v

File No. 84-30201-CK

EVERYMAN'S INSURANCE CO., INC.,
A Michigan Corporation,

Defendant.

_____ /

JURY TRIAL - VOLUME NO. II OF V

BEFORE THE HONORABLE JAMES R. JUSTICE, CIRCUIT JUDGE

Pontiac, Michigan - Tuesday, October 4, 1985

APPEARANCES:

For the Plaintiff: MR. JOHN B. JONES (P50004)
Jones & Adams, P.C.
123 State Street
Royal Oak, Michigan 48084
(313) 555-4321

For the Defendant: MR. JAMES R. SMITH (P50005)
Smith & Smith, P.C.
321 Court Street
Royal Oak, Michigan 48084
(313) 555-1234

RECORDED BY: William C. Jones, CER 1026
Certified Electronic Recorder
(313) 555-7868

(page #)

3-03 TABLE OF CONTENTS PAGE

The following are examples of the format to follow in preparing table of contents pages.

A. No Witnesses, No Exhibits

If there are no witnesses or exhibits, still include a Table of Contents

TABLE OF CONTENTS

WITNESSES:

None

EXHIBITS:

None

B. Criminal Case

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	Recross- examination by Mr. Jones		25
JUDY SMITH			
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<u>WITNESSES:</u>	<u>DEFENDANT</u>		
ROSE JACKSON			
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	Cross-examination by Mr. Thompson		35
MIKE FISH			
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<u>EXHIBITS:</u>		IDENTIFIED	RECEIVED
PX#1	Glasses	10	10
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MIKE WELLS		
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C. Hearing During Examination

See Section 3-04, page 3-04-08 for a sample of a deposition read into the record.

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Walker Hearing

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EXHIBITS:

	IDENTIFIED	RECEIVED
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E. Multiple Volumes

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3-04 TRANSCRIPT PAGE

The following are examples of the format to follow in preparing transcript pages.

A. Administration of Oath

The transcript must be a verbatim record of the proceedings. The oath administered to a witness must be included.

Allegan, Michigan

Wednesday, December 2, 1984 - 10:24 a.m.

THE COURT: Ronald Whetstone, Case File 84-0978-FH. This matter was set today for a preliminary hearing on a charge of possession of a pistol in a motor vehicle.

The record shall indicate the appearance of Mr. John Smith on behalf of the Defense; Mr. Stone on behalf of the Prosecutor's Office. Counsel, you may proceed.

MR. STONE: Thank you, your Honor. I would first call Officer Rick Hoyer to the stand.

THE COURT: Do you solemnly swear or affirm that the answers you are about to give in this matter are true?

MR. HOYER: I do.

THE COURT: Fine. Be seated.

RICHARD JOSEPH HOYER

called as a witness at 10:26 a.m., testified as follows:

DIRECT EXAMINATION

BY MR. STONE:

Q. Would you state your name for the record?

A. Richard Joseph Hoyer.

B. Colloquy Before Examination

1. From time to time the court may talk to the witness or counsel in colloquy before direct examination begins. The identification of the witness and direct examination heading is placed where the attorney begins the examination.

MR. LADD: I would call Tammy Erickson to the witness stand.

MR. BERGMAN: Your Honor, could we approach the bench for one second, please?

THE COURT: Yes. This is off the record.

(At 3:19 p.m. to 3:21 p.m., conference at bench)

THE COURT: Back on the record. Tammy? You may have a seat up there. Do you want me to conduct it?

MR. BERGMAN: If you would, please?

THE COURT: Tammy, how old are you?

MISS ERICKSON: Thirteen.

THE COURT: Tammy, the clerk is going to give you what we call an oath. Do you know what an oath is?

MISS ERICKSON: Yes.

THE COURT: Could you explain it to me?

MISS ERICKSON: It's a thing that you have to take. Well, I know what it is, but I can't explain it.

THE COURT: If you take an oath, does it mean that you swear to tell the truth?

MISS ERICKSON: Yeah, you can't tell a lie.

THE COURT: Fine. Please stand, and the clerk will administer the oath.

2. The witness is not "THE WITNESS" until the witness states, "I DO".

THE CLERK: Do you swear to tell the truth, the whole truth and nothing but the truth in the matter before the Court?

MISS ERICKSON: I do.

THE COURT: If you'll just speak up, Tammy, because these microphones don't amplify and we have to hear the answers.

THE WITNESS: Okay.

TAMMY ERICKSON

called as a witness at 3:25 p.m., testified as follows:

DIRECT EXAMINATION:

BY MR. LADD:

Q. Would you state your name, please?

A. Tammy Erickson

Q. Where do you live?

A. 1824 Marigold.

C. Examination by the Court

1. Colloquy

If the court examines a witness called by a party to the case, set the examination up as colloquy.

THE COURT: And did you say that you remembered seeing this person at an earlier time in the evening?

THE WITNESS: Yes, I saw him once before at about eight o'clock.

THE COURT: And where did you say that was?

THE WITNESS: At the party store in the middle of town.

THE COURT: Thank you. Anything further of the witness, Counsel?

(page #)

2. Q and A

If the court calls a witness and examines that witness, set the examination up as "Q and A".

EXAMINATION

BY THE COURT:

Q. State your name.

A. Mary Smith.

Q. Now, I understand that you were present at the party that took place on August 14th.

A. Yes, that's correct.

(page #)

D. Party as a Witness

As soon as the party is sworn, s/he becomes "THE WITNESS." When s/he is excused from the stand, the title of "THE DEFENDANT" (or "PLAINTIFF") returns to him/her.

THE COURT: Does the Defendant wish to call any witnesses?

THE DEFENDANT: I wish to testify myself, your Honor.

THE COURT: Raise your right hand. Do you solemnly swear that you will give true answers to any questions put to you concerning this matter?

THE DEFENDANT: I will.

WILLIAM JOHNSON

called as a witness at 3:30 p.m., testified as follows:

DIRECT TESTIMONY

THE WITNESS: I just want to tell you, Judge, and also everybody here that what all these witnesses have been saying just ain't true. It wasn't me that they saw. I don't know nothing about no robbery. It's all just a mistake. That's all I have to say.

CROSS-EXAMINATION

BY MR. WILLIS:

Q. You are the Defendant in this action, is that correct?

E. Quoted Materials

1. In General

"Quoted materials begin fifteen spaces from the left-hand margin. Carry-over lines of quoted materials begin ten spaces from the left-hand margin. The right-hand margin is observed at all times.

A new paragraph begins 15 spaces from the left-hand margin."

2. Partial Quote

MR. RICE: It's mandatory. It says, "...shall prescribe rules and regulations," and other matters.

3. Quoted Material with Narratives

MR. GREEN: May it please the Court, I wish to read from People v Hampton, found at 407 Mich 354, and I direct the Court's attention to page 373 of the volume, in support of my position which states as follows:

"Even the defendant, who argued that this Court...", meaning the Supreme Court, "...should adopt a directed verdict standard similar to the one required by Jackson...", being 443 US 307, "concludes that the trial judge's findings and order were consistent with the standards governing the ordering of new trials. In his brief, it is argued that:

'Here, the record shows that the trial judge is passing upon defendant-appellee's motion'" --

THE COURT: I have that case in front of me and I will read it.

4. Uncertainty About Quoted Versus Narrative Material

MR. GREEN: May it please the Court, I wish to read from a case in support of my position which states as follows:

"Even the defendant, who argued that this Court, meaning the Supreme Court, should adopt a directed verdict standard similar to the one required by Jackson, being 443 US 307, concludes that the trial judge's findings and order were consistent with the standards governing the ordering of new trials."

In his brief, it is argued that:

"Here, the record shows that the trial judge in passing upon defendant-appellee's motion- "

THE COURT: I am very familiar with that case and I will read it before ruling.

MR. GREEN: Very well.

(page #)

5. Interpolation and Quote

MR. WHITE: An exhibit is attached to this document. It says, "Plaintiff was a bus driver for nine months."

THE COURT: It says it right there, "...bus driver for nine months."

(page #)

F. Deposition Read into Record

1. Direct Examination

(At 1:30 p.m., deposition of Dr. James Smith read into the record as follows:)

DIRECT EXAMINATION

BY MS. JONES:

Q. Witness, will you state your name?

A. My name is James Smith.

Q. And you are a medical doctor, is that correct?

A. Yes, that is correct.

(Reading of deposition concluded at 2:10 p.m.)

(page #)

2. Portions of Depositions Read to the Witness

BY MR. WHITE:

Q. This appears in the deposition on page 23, line 10, I asked:

"Question: Were there energy-absorbing concepts involved on the work of the expandable nozzle?

Answer: The work on the expandable nozzle was to work --

Question: Answer yes or no.

Answer: No."

Do you remember giving those answers to the questions as I just read them?

A. It was so long ago that I do not remember, but if it is written there, that must have been my answer.

(page #)

BY MR. SMITH:

Q. Mrs. Jones, the question was asked of you, "Do you recall a situation where your --"

MR. WHITE: Would you state the page please.

MR. SMITH: Page 2, line 12.

BY MR. SMITH:

Q. "Question. Do you recall a situation where your son had sprayed some substance in your face?" Do you recall that question?

A. No.

(page #)

G. Interpreter

The witness may understand some questions well enough to answer without an interpreter. In that case, put the answer in colloquy form. Type in the oath administered to the interpreter.

(At 1:30 p.m., Irene B. Relleno sworn by the Clerk to interpret English into Spanish and Spanish into English)

JOSEPH RODRIGUEZ

called as a witness at 1:31 p.m., sworn through the interpreter:

DIRECT EXAMINATION

BY MR. MARKS:

Q. What is your name?

THE WITNESS: Juan Carlos.

A. Juan Carlos.

Q. Where do you live?

A. 1325 Linville Road, Romulus.

Q. Do you remember the night of February 17th of this year?

THE WITNESS: Yes.

A. Yes.

(page #)

H. Witness Recalled

MS. ZUZICH: We would like to recall Mr. Goodwin for some questions, your Honor.

THE COURT: Mr. Goodwin, you're still under oath.

MR. GOODWIN: Yes, sir.

JOHN GOODWIN

recalled at 11:35 a.m. by the Defendant, previously sworn by the Court:

DIRECT EXAMINATION

BY MS. ZUZICH:

Q. You previously testified...

I. Adverse Witness

When a witness is called for cross-examination under the adverse witness statute, that witness is under cross-examination by all parties until examination is completed. [MCL 600.2161] Recross-examination is any examination subsequent to cross-examination by the same party. If the reporter/recorder is not certain whether the examination is direct, cross- redirect, or recross-, the use of the term “examination” or “reexamination” is permissible.

JOHN GOODWIN

called at 10:30 a.m. by the Plaintiff (Defendant) under the adverse witness statute, sworn by the Court (Clerk):

CROSS-EXAMINATION

BY MS. ZUZICH:

Q.

CROSS-EXAMINATION

BY MR. GREENFIELD:

Q.

RE CROSS-EXAMINATION

BY MS. ZUZICH:

Q.

RE CROSS-EXAMINATION

BY MR. GREENFIELD:

Q.

J. Jury Matters

Whenever jurors are speaking or being spoken to, use colloquy format.

1. Jury Voir Dire

THE COURT: Members of the jury panel, whether in the jury box or not, I am going to address some questions to all prospective jurors. Do any of you have members of your immediate family who are police officers for this City?

JUROR BAKER: I do.

THE COURT: Okay, fine. Is there anyone else?

JURORS: (No verbal response)

2. Juror Identification During Trial

JUROR NELSON: Your Honor, I cannot hear the witness.

3. Jury Verdict

(At 1:00 p.m., jury returned with verdict)

THE COURT: Ladies and gentlemen of the jury, have you reached a verdict and if so, would the Foreperson please rise and announce that verdict?

FOREPERSON SMITH: We have, your Honor. We, the jury, find the Defendant guilty as charged.

4. Jury Polling

THE CLERK: As your name is called will you please answer? Juror Nelson, is this and was this your verdict?

JUROR NELSON: It is.

K. Videotape Record of Court Proceedings

Administrative Order 1990-7: On order of the Court, the State Court Administrator is authorized to approve, until further order of this Court, trial courts to use videotape record systems for the purposes of making the verbatim court record of proceedings in individual courtrooms. Courts desiring approval to use the videotape record system in a courtroom must apply to the State Court Administrator and must submit a local administrative order to implement the videotape record procedures. Upon approval by the State Court Administrator of the application and the local administrative order, the court may use the videotape record system in the courtroom until further order of this Court or of the State Court Administrator.

The State Court Administrator is authorized to certify which videotape record equipment may be utilized by trial courts for the purposes of making the verbatim court record.

The applications by the trial courts and approval by the State Court Administrator shall be based upon criteria established by this Court.

The previous authorizations by this Court and by the State Court Administrator pursuant to Administrative Order 1989-2 to the twelve pilot courtrooms for utilization of the videotape record system is continued until further order of this Court or the State Court Administrator.

This order authorizes exceptions to the Michigan Code of Judicial Conduct, Canon 3A(7), which currently prohibits such recording, and to MCR 8.108, which requires that certified court reporters and recorders furnishing transcripts of proceedings be in attendance at those proceedings.

The following guidelines shall apply to the courts authorized to use videotape record systems for the purpose of making the court record:

1. At least two videotape recordings, recorded simultaneously, shall constitute part of the original record in the case. One videotape shall be retained by the clerk of the court to be forwarded, or for portions to be copied and forwarded, if an appeal is taken and if requested by the Court of Appeals, to the Court of Appeals pursuant to MCR 7.210. The other videotape shall be stored off the court premises in a location to be designated by the chief judge.
2. The judge shall:
 - a. Be charged with the responsibility of ensuring through routine checks of the videotape system by a suitably trained person, that the videotape system is operating in keeping with specifications.
 - b. Keep a proper index of proceedings that have been videotaped, including a list of witnesses and exhibits.

3. If an appeal is taken in an action which has been videotaped under this order, a transcript of the proceedings must be prepared in the same manner as in the case of proceedings recorded in other ways. However, a court reporter or recorder need not certify attendance at the proceedings being transcribed from the videotaped record, but need only certify that the transcript represents the complete, true and correct rendition of the videotape of the proceeding as recorded.
4. Transcripts of videotape recordings of 25 pages or less must contain, on each page, a reference to the number of the videotape and the month, day, year, hour, and minute at which the reference begins as recorded on the videotape. For example: (Tape No. 1, 10-1-87, 13:12). Transcripts of 26 or more pages must contain this reference on the first page, on every 25 pages thereafter, and on the last page.
5. Film or electronic media coverage in these courts, if utilized, shall be governed by the guidelines set out in Administrative Order 1989-1.
6. The State Court Administrative Office shall provide assistance in implementation of the use of videotape record system in each approved courtroom and shall continue to conduct an evaluation of the program. The courts using videotape record systems shall cooperate with the State Court Administrative Office.
7. This order shall be effective upon entry. Administrative Order 1989-2 is rescinded.

3-05 TRANSCRIPT CERTIFICATE PAGE

When only a portion of the proceedings has been transcribed, indicate that it is an "excerpt of the proceedings."

Certification designations are: Certified Shorthand Reporter (CSR)
 Certified Stenomask Reporter (CSMR)
 Certified Electronic Recorder (CER)

A. General Transcript Certificate Page

STATE OF MICHIGAN)
)
 COUNTY OF _____)

I certify that this transcript, consisting of _____ pages, is a complete, true, and correct transcript of the proceedings and testimony taken in this case on _____
 (list all dates for which reporter or recorder is responsible).

 Date

Signature

 Name [print or type], certification designation, and number

 Business address

 City, state, and zip

B. Transcript Certificate Page Prepared by Another

STATE OF MICHIGAN)
)
 COUNTY OF _____)

I certify that this transcript, consisting of _____ pages, is a complete, true, and correct transcript, to the best of my ability, of the proceedings and testimony taken in this case by (name, title, certification designation, and number of absent reporter/recorder) on (list all dates reported or recorded by absent reporter/recorder).

I also certify that (name of absent reporter/recorder) has not certified this transcript because he/she

___ a. has died.

___ b. resigned.

___ c. was removed from office.

___ d. has left the state.

___ e. is a certified electronic operator.

___ f. is unavailable.

___ g. other _____

state reason

 Date

 Signature

 Name [print or type], certification designation, and number

 Business address

 City, state, and zip

3-06 DEPOSITIONS

A. Introduction

A deposition is a pre-trial discovery procedure (see MCR 2.306) whereby parties or witnesses are examined by asking questions. A court reporter/recorder is present and records all questions and answers. Counsel for all parties are normally at a deposition. The person being examined is called the "deponent".

B. Taking Depositions

At a deposition, there is no judge to preside over the proceedings, and the reporter/recorder is in control. The reporter/recorder may arrange the equipment and the parties in whatever fashion s/he deems appropriate.

1. Obtain the complete case caption and name of the court in which the transcript is to be filed.
2. Obtain the name and address of the deponent and all attorneys present.
3. Administer the oath to the deponent.
4. Unlike courtroom proceedings, you may go off the record at any time for any party if all parties agree to go off the record. A reporter or recorder shall continue to report unless there is agreement of all parties present that they will go off the record.
5. After the deposition is completed, obtain orders for copies of the deposition transcript from the parties.

C. Producing the Transcript

Court reporters and recorders must follow the format prescribed by the State Court Administrative Office as published in this manual. [MCL 600.2510(2)]

1. Furnish the transcript as timely as possible.
2. Title page (see page 3-06-02)
3. Table of Contents page (optional in depositions) (see page 3-06-03)
4. Transcript page (see page 3-06-04) Individuals certified under MCR 8.108 must follow the prescribed format.
5. Certificate page (see page 3-06-05)

D. Delivering the Deposition Transcript

1. Enclose the original deposition transcript in a sealed envelope. (see page 3-06-06)
2. Deliver the original sealed deposition transcript to the ordering party along with his/her copy. [MCR 2.302(H) and MCR 2.306(F)]

E. Deposition Title Page

STATE OF MICHIGAN
34TH JUDICIAL CIRCUIT COURT (ROSCOMMON COUNTY)

JOHN R. DOE,
Plaintiff,
v (Name of Judge optional) File No. 82-0234-NI
SAMUEL I. SMITH,
Defendant.
_____ /

DEPOSITION OF SAMUEL I. SMITH

Taken by the Plaintiff on the 3rd day of June, 1986, at the offices of
Terrence H. Bloomquist, 1010 Michigan Avenue, Grayling, Michigan, at
3:00 p.m.

APPEARANCES:

For the Plaintiff: MR. TERRENCE H. BLOOMQUIST (P88888)
P.O. Box 708
Grayling, Michigan 49738
(517) 555-1888

For the Defendant: MR. JOHN B. JONES (P99999)
Jones & Jones, P.C.
125 First Street
Grayling, Michigan 49738
(517) 555-1999

REPORTED BY: Susie Sullivan, CSR 9898
Certified Shorthand Reporter
(517) 555-8456

F. Deposition Table of Contents Page

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G. Deposition Transcript Page

Grayling, Michigan

Tuesday, June 3, 1986 - 3:10 p.m.

SAMUEL I. SMITH

HAVING BEEN CALLED BY THE PLAINTIFF AND SWORN:

REPORTER: Please state your name and spell your last name for the record.

THE WITNESS: Samuel I. Smith. S-m-i-t-h.

MR. BLOOMQUIST: Mr. Smith, would you first of all, if you do not understand my question, please say so. If you don't hear me, please say so. Otherwise I'll assume you've heard me, you understand the question, that your answer is responsive to the question. Okay?

THE WITNESS: Right.

MR. JONES: Could I just indicate, we've done it already. The court reporter's got to get everything in yes, no, I don't understand. Uh-huh and uh-uh is going to make a confusing record. So try to think about that.

MR. BLOOMQUIST: She does not take shaking of your head, so yes or no--you've got to say it. Do you understand that?

THE WITNESS: Right. Yes.

DIRECT EXAMINATION

BY MR. BLOOMQUIST:

Q. Where do you live, sir?

A. 7000 Mayfield, Gaylord, Michigan.

H. Deposition Certificate Page

See MCR 2.304(C) and MCR 2.306(F) for further information. A deposition transcribed and certified in accordance with MCR 2.306(F) need not be submitted to the witness for examination and signature.

Certification Designation: Certified Shorthand Reporter (CSR)
Certified Stenomask Reporter (CSMR)
Certified Electronic Recorder (CER)

STATE OF MICHIGAN)
COUNTY OF MENOMINEE)

I certify that this transcript, consisting of _____ pages, is a complete, true, and correct record of the testimony of (name of deponent) held in this case on (date of deposition).

I also certify that prior to taking this deposition (name of deponent) was duly sworn to tell the truth.

I also certify that I am not a relative or employee of or an attorney for a party; or a relative or employee of an attorney for a party; or financially interested in the action.

Date Signature

Name [print or type], certification designation, and number

Business address

City, state, and zip

I. Deposition Envelope Cover

STATE OF MICHIGAN

34TH JUDICIAL CIRCUIT COURT (ROSCOMMON COUNTY)

JOHN R. DOE,

Plaintiff,

v

(Name of Judge optional)

File No. 82-0234-NI

SAMUEL I. SMITH,

Defendant.

_____ /

DEPOSITION OF SAMUEL I. SMITH

Taken by the Plaintiff on the 3rd day of June, 1986, at the offices
of Terrence H. Bloomquist, 1010 Michigan Avenue, Grayling, Michigan, at
3:00 p.m.

APPEARANCES:

For the Plaintiff: MR. TERRENCE H. BLOOMQUIST, P88888
P.O. Box 708
Grayling, Michigan 49738
(517) 555-1888

For the Defendant: MR. JOHN B. JONES, P99999
Jones & Jones, P.C.
125 First Street
Grayling, Michigan 49738
(517) 555-1999

REPORTED BY: Susie Sullivan, CSR 9898
Certified Shorthand Reporter
(517) 555-2345

(page #)